

## REMARKS

Applicant has carefully reviewed the Office Action dated April 24, 2008. In the specification, the Cross-Reference to Related Applications has been amended to update the status of patent applications now issued as patents.

### **35 U.S.C. § 112 Rejection**

Claims 1 and 10 are rejected as being indefinite. The Office Action indicates that it is unclear as to the location of the PC relating to “when the user is in physical proximity to the user PC.” The Office Action further indicates that it is unclear as to how the unique code will identify the location of the remote location on the network. Applicant respectfully traverses this rejection.

The specification clearly sets forth on page 44, line 20 – page 45, line 6, that the unique signal can be transmitted to the user PC via an audio signal emitted from a speaker, via an infrared transmitter or via a hardwired cable connection. The specification further illustrates on page 52, lines 4-8, that the user “looks at the display associated with the PC” while depressing the function button. As such, the specification clearly describes that user must bring the cellular telephone close enough to the user PC to enable communication via the parameters of audible communication, infrared communication or hardwired cable communication as is known to one of ordinary skill in the art. Further, the specification requires that the user, while in physical contact with the cellular telephone, is able to visually see the user PC display. Therefore, the position of the user PC is in proximity to the user that is inherently defined as a physical distance that enables the communication between the cellular telephone and the user PC via audible communication, infrared communication or hardwired communication, and close enough such that the user is still able to see the user PC display.

Additionally, the specification discloses on page 45, lines 10-12 and page 50, lines 8-12, that a matching operation, using a database, occurs with respect to the unique code. The specification states that “the ARS 308, having the ARS database 310 associated therewith, extracts the unique code and performs a matching operation on the ARS database 310 to obtain an associated URL network address...” Therefore, the specification sets forth that the unique

code is matched in a database to provide the location of the remote location. As such, one of ordinary skill in the art would recognize that the matching operation in the database describes a predetermined association between the unique code and the remote location such that, when a successful match occurs, the location of the remote location is returned. Therefore, Applicant respectfully requests that the 35 U.S.C. § 112 rejection with respect to Claims 1 and 10 be withdrawn.

### **35 U.S.C. § 103(a) Rejections**

Claims 1, 4-6, 8-10, 13-15, 17-18 and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tendler* (USP 6,519,463, hereinafter “*Tendler*”) in view of *Borgstahl* et al. (USP 5,909,183, hereinafter “*Borgstahl*”). This rejection is respectfully traversed. Applicants’ Appeal Brief, submitted January 7, 2008, argues the 35 U.S.C. §§ 102 and 103(a) rejections based on the *Tendler*; however, the following also rebuts the § 103(a) rejections based on the combination of *Tendler* and *Borgstahl*. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

Independent Claims 1 and 10 recites, inter alia, associating a functional mode on a cellular telephone with a unique code. The unique code is, upon activation of the functional mode, transferred to the user PC for use by the user PC to access a web site. The office action provides *Tendler*, col 4, lines 6-27 to teach, inter alia, “... the functional mode having associated therewith a unique code ... and wherein the step of providing the functional mode comprises storing the unique code in the cellular telephone ... such that the unique code is output as a function of activation...” However, *Tendler* contains no disclosure regarding a unique code that is associated to the functional mode and output as a function of activation of the button in the step of activating for delivery to the user PC to be utilized by the PC. *Tendler* teaches, and is limited to teaching, that depression of a button merely dials a phone number. First, a phone number is not a unique code. Second, the phone number is dialed in order to establish a connection with a central dispatcher. The phone number is not delivered to the user PC. As such, Applicant submits that *Tendler* fails to teach the limitations: “the functional mode having associated therewith a unique code” because the phone number is not a unique code; and “wherein the step of providing the functional mode comprises storing the unique code in the

cellular telephone, which unique code is associated in the step of associating with the button, such that the unique code is output as a function of activation of the button in the step of activating for delivery to the user PC in the step of controlling” because the number is dialed, not output for delivery to the PC. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103 rejection with respect to Claims 1 and 10 be withdrawn.

Independent Claims 1 and 10 further recite “wherein said button on said cellular telephone is activated to initiate said functional mode when the user is in physical proximity to the user PC and transfer to the user PC the unique code, which unique code has no routing information contained therein that would by itself uniquely identify the location of the remote location on the network, but which unique information has a predetermined association with the remote location; and wherein, in response to activation of the functional mode, the user PC utilizes said unique code received from this cellular telephone and the predetermined association thereof with the remote location to access information from the remote location on the network for delivery to the user PC and display thereof of said information on a display associated with the user PC; such that the user PC is controlled in accordance with said unique code to access said predetermined remote location.” The claims require that the unique code has a predetermined association with a remote location but the unique code contains no routing code therein that would, by itself, uniquely identify the location of the remote location. The claims further require that the unique code is transferred upon the user activating the functional mode when in proximity to the user PC. Thereafter, the user PC uses the unique code, and the predetermined association thereof, to access information from the remote location on the network for delivery to the user PC.

Applicant submits that neither *Tendler* nor *Borgstahl* discloses at least the aforementioned feature of independent Claims 1 and 10. In particular, it is submitted that the secondary citation to *Borgstahl* does not remedy the conceded deficiency in the primary citation to *Tendler*. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of *Tendler* and *Borgstahl* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes the primary citation to *Tendler* does not disclose “wherein said button on said cellular telephone is activated to initiate said functional mode when the user is in physical proximity to the user PC and transfer to the user PC the unique code, which unique code has no routing information contained therein that would by itself uniquely identify the location of the remote location on the network, but which unique information has a predetermined association with the remote location; and wherein, in response to activation of the functional mode, the user PC utilizes said unique code received from this cellular telephone and the predetermined association thereof with the remote location to access information from the remote location on the network for delivery to the user PC and display thereof of said information on a display associated with the user PC; such that the user PC is controlled in accordance with said unique code to access said predetermined remote location.” (Office Action, page 4). Nonetheless, the Office Action rejects independent Claims 1 and 10, contending that the secondary citation to *Borgstahl* provides this necessary disclosure (Office Action, page 4). This contention is respectfully traversed.

*Borgstahl* relates to controlling objects in a peer to peer network and discusses, in one example, a user sending commands from a controller to an appliance. (*Borgstahl*, col. 3, lns. 65-67; and col. 16, lns. 15-67). *Borgstahl*, however, expressly teaches that the peers self initiate a process to seek out connections with other peers and establish connections when a compatible protocol signal is detected, i.e., a second peer is within range for connection. (*Borgstahl*, col. 4, lns. 11-26; and col. 6, ln. 63 – col. 7, ln. 39). In order to establish connection, need/capability information is exchanged between peers, including a peer ID. (*Borgstahl*, col. 5, lns. 55-67; col. 7, lns. 41-55; and col. 14, lns. 59-62). *Borgstahl* further teaches that the user can use an input/output device on a controller to send commands to an appliance when the controller and appliance are connected via the peer to peer communication (network). (*Borgstahl*, col. 16, lns. 15-67).

The Office Action cites *Borgstahl*, col. 6, lns. 20-30, col. 14, lns. 10-33; col. 16, lns. 44-67; and col. 17, lns. 9-45 to teach the aforementioned conceded deficiency of *Tendler*. The cited portions of *Borgstahl* teach that: one of the peers can be, among other things, a cellular telephone (*Borgstahl*, col. 6, lns. 20-30); the peers can, optionally, establish communications with each other when they are proximity (*Borgstahl*, col. 14, lns. 10-33); and that a user can use a

controller to select a peer from a list and send a command set to the selected peer (*Borgstahl*, col. 16, lns. 44-67; and col. 17, lns. 9-45). Clearly, the cited portions of *Borgstahl* do not disclose a unique code that has a predetermined association with a remote location or that is capable of being utilized by a PC to access information on a remote location. Further, *Borgstahl* contains no such disclosure for a unique code that has a predetermined association with a remote location or that is capable of being utilized by a PC to access information on a remote location. Additionally, *Borgstahl* teaches that the peer ID is transmitted in order to establish the peer to peer communication link. *Borgstahl* contains no disclosure that the unique code would be transferred in response to the user activating a functional mode button on the controller. Applicant submits that *Borgstahl* does not provide a disclosure that remedies the aforementioned conceded deficiency in the primary citation to *Tendler*.

Further, neither *Tendler* nor *Borgstahl*, taken singularly or in combination, discloses that, “in response to activation of the functional mode, the user PC utilizes said unique code received from this cellular telephone and the predetermined association thereof with the remote location to access information from the remote location on the network for delivery to the user PC and display thereof of said information on a display associated with the user PC; such that the user PC is controlled in accordance with said unique code to access said predetermined remote location” as required by independent Claims 1 and 10. Neither *Tendler* nor *Borgstahl* contain any disclosure directed to controlling a user PC in accordance with the unique code to access a predetermined remote location. Applicant submits that *Borgstahl* does not add anything that would remedy the aforementioned deficiencies in *Tendler*. Accordingly, favorable reconsideration and withdrawal of the rejection of independent Claims 1 and 10 under 35 U.S.C. §103 are respectfully requested.

The Office Action indicates that Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tendler*”) in view of *Borgstahl* (Office Action, page 3). However, Applicant has not been directed to a citation to support a teaching of the limitations found in dependent Claims 4 and 13. Further, as indicated above, independent Claims 1 and 10 are believed to be allowable. Claim 4 depends from, and further limits, independent Claim 1. Claim 13 depends from, and further limits, independent Claim 10. Therefore, Claims 4 and 13 are also

allowable. Reconsideration and withdrawal of the rejections directed to Claims 4 and 13 is respectfully requested.

As indicated above, independent Claims 1 and 10 are believed to be allowable. Claims 5, 6, 8, 9 and 21 depend from, and further limit, independent Claim 1. Claims 14, 15, 17, 18 and 22 depend from, and further limit, independent Claim 10. Therefore, Claims 5, 6, 8, 9, 14, 15, 17, 18, 21 and 22 are also allowable. Reconsideration and withdrawal of the rejections directed to Claims 5, 6, 8, 9, 14, 15, 17, 18, 21 and 22 is respectfully requested.

Dependent Claim 7 and 16 are objected to as being dependent upon a rejected base claim. The Office Action indicates that Claims 7 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the remarks with respect to Claims 7 and 16. However, Applicant believes that the respective base claims are allowable as written. Therefore, Claims 7 and 16 are also allowable. Reconsideration and withdrawal of the objections directed to Claims 7 and 16 is respectfully requested.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/RPXC-25,337 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
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